

PUBLIC INQUIRY INTO THE 2022 PUBLIC ORDER EMERGENCY

IN THE MATTER OF A PUBLIC INQUIRY

under the *Emergencies Act*, RSC 1985, c 22 (4th Supp), ss 63(1)
and the *Public Inquiries Act*, RSC 1985, c I-11, Part I

AFFIDAVIT OF KIAVASH NAJAFI

Affirmed October 7, 2022

(Pursuant to Rule 49 of the Inquiry's *Rules for Procedure and Practice*)

I, KIAVASH NAJAFI, of the City of Ottawa, in the Province of Ontario, AFFIRM THAT:

1. I reside with my spouse and two young children in the Centretown neighbourhood in the core of downtown Ottawa which is located adjacent to the area which would eventually be designated by the Ottawa Police Service ("OPS") as the "Red Zone" where the Freedom Convoy's activities were most concentrated.
2. From January 31, 2022 to February 20, 2022, I regularly walked around parts of the Red Zone to observe first hand and document what the protestors were doing. During my walks, I routinely spoke with Freedom Convoy participants in an effort to better understand their motivations. As such, I have personal knowledge of the matters to which I hereinafter depose except where I have stated my evidence to be on information and belief, in which case I have indicated the source of my information and my belief in its truth.

The First Weekend: January 28 - 30, 2022

3. Freedom Convoy vehicles started arriving in downtown Ottawa on Friday January 28, 2022. In accordance with a statement put out by the OPS on January 26, 2022, my family and I did not leave our residence during the first weekend as

residents were being asked to avoid unnecessary travel in the downtown core.

4. I observed many pickup trucks and other vehicles speeding down my small residential street and parking illegally. I could hear the incessant honking from my home and the smell of diesel fumes was heavy in the air.
5. My family and I felt unsafe in our own neighbourhood. Neighbours I spoke to were also fearing for their safety and worrying about what was happening in our city. There were images circulating on social media of confederate flags and swastikas adorning Freedom Convoy vehicles.
6. There are many short-term rental units on my street and throughout Centretown. Our neighbourhood's collective sense of insecurity was exacerbated by the fact that it appeared that many Freedom Convoy participants were staying in our neighbourhood. There were many vehicles parked throughout the neighbourhood bearing symbols of the Freedom Convoy.

January 31 - February 6, 2022

7. As it became increasingly apparent that the Freedom Convoy was not going to disperse following its first weekend in Ottawa, I decided to go for a walk and see for myself what was going on in and around my neighbourhood.
8. On or about January 31, 2022, in the area around Percy Street and Bronson Avenue I observed many large trucks and other vehicles adorned with flags and other symbols associated with the Freedom Convoy moving freely throughout the area.
9. On February 2, 2022, I walked up to Parliament Hill where I observed large trucks parked in front of the Prime Minister's Office ("PMO"). As a former Parliamentary employee myself, I was shocked that truckers had been permitted to encamp their vehicles in such close proximity to the PMO.

10. While walking around on Wellington Street, I had a conversation with a member of the Ottawa Police Service. I asked whether there was a plan to remove the protestors from the area. The officer told me that it was a peaceful protest and asked me whether I had complained during Black Lives Matters or Indigenous Protests which he said had lasted longer than the Freedom Convoy protest.
11. While walking on Wellington Street I observed a militarized vehicle which had the appearance of a small tank. Again, I was shocked that a vehicle of this nature had been allowed to park so close to the PMO and Parliament Hill. Attached hereto as **Exhibit "A"** is a copy of a video I recorded on February 2, 2022, depicting the vehicle.
12. I estimate there were only approximately 200 to 300 people actively protesting in the early days of the Freedom Convoy. It was striking to me that such a small number of people were able to effectively paralyze the city by virtue of their large vehicles which were blockading the streets and tormenting residents with their horns.
13. The mood in the Red Zone on February 2, 2022 was mixed. Some members of the Freedom Convoy appeared to be having fun and seemed to have found community among their fellow participants. Others appeared aggressive and looking for a fight. As a racialized person myself, I found the energy in the Red Zone to be deeply unsettling.
14. On a number of occasions while out walking I had to modify my route because Freedom Convoy participants were glaring at me menacingly or moving towards me aggressively. Sometimes vehicles would honk at me or heckle me for wearing a mask.
15. At one point I had to enter a store on Bank Street because a group of angry men were yelling at me from across the street to take off my mask and they started crossing the street in my direction. I was relieved when they did not follow me

inside.

16. In the coming days I stopped wearing a mask while outdoors because I felt less safe when masked.
17. On February 4, 2022, I joined my local City Councillor, Catherine McKenney, and Councillors Jeff Leiper and Shawn Menard on a safety walk throughout the neighbourhood. Several members of the community joined us. The stated purpose of the walk was to show our support to vulnerable neighbours and businesses and offer what help we could to those who needed it.
18. While out walking later that day I observed two large transport truck cabs blocking the intersection of Kent Street and Cooper Street. Cars and pickup trucks were parked behind them blocking the entire street. This is an area surrounded by residential buildings.
19. On February 5, 2022, while walking in the vicinity of Kent Street and Nepean Street, I observed streets completely blockaded by large vehicles honking their horns loudly, immediately adjacent to several large apartment buildings, many of which contain supportive housing units or are inhabited by low-income residents including seniors. The blockade spanned approximately ten city blocks. Attached hereto as **Exhibit “B”** is a true copy of a video I recorded on February 5, 2022.
20. I also created a video of many trucks honking their horns at Kent Street and Somerset Street later that same day. Attached hereto as **Exhibit “C”** is a true copy of the second video I took on February 5, 2022.
21. On the evening of February 5, 2022, I could hear fireworks being set off downtown. I saw videos of the fireworks on the social media application Twitter. This caused me to fear that a fire could be ignited in the city. Given the extent of the street blockades I had seen earlier in the day, I was deeply worried about the possibility that emergency vehicles would be unable to attend the scene of

a fire.

22. On February 6, 2022, while out walking I was overwhelmed by the noise of the truck, train and air horns which were constantly honking. I took a video of the scene while standing on the corner of Bank Street and Laurier Avenue. Attached hereto as **Exhibit “D”** is a true copy of a video I recorded on February 6, 2022.
23. From what I observed on February 6, 2022, it appeared that the Freedom Convoy was becoming further entrenched in the streets of Ottawa. Kent Street remained completely blocked off to traffic by trucks parked in the street. On Kent Street at Lisgar Street I saw an open fire in a barrel, a large stack of firewood and a flatbed truck loaded with boxes of supplies. Attached hereto as **Exhibit “E”** is a true copy of a photograph I took on February 6, 2022 of Kent Street at Lisgar Street.
24. That same day, I walked the streets of downtown to circulate a leaflet to the truckers containing an offer from the Plaintiffs in the class action which had been launched against the Freedom Convoy by residents of the downtown core. The leaflet explained that truckers who left Ottawa immediately would be released from the class action. None of the Freedom Convoy participants I spoke to indicated that they intended to leave the city. Attached hereto as **Exhibit “F”** is a true copy of the leaflet a distributed on February 6, 2022.

February 8 to February 14, 2022

25. On or about February 8, 2022, my family and I left Ottawa to stay with family for the rest of the week. The constant state of anxiety had become insufferable. I felt guilty knowing that there were many in my community who did not have the means to leave their homes and seek refuge from the honking horns, diesel fumes and general sense of lawlessness in the city.

February 15 to February 20, 2022

26. On February 15, 2022, I learned from media reports that the Federal Government had invoked the *Emergencies Act*.
27. On February 16, 2022, I accompanied my City Councillor, Catherine McKenney, as they walked the occupied streets livestreaming video to their City Council colleagues who were attending a virtual Council meeting. I captured video of Councillor McKenney walking around while streaming video to their colleagues. Attached hereto as **Exhibit “G”** is a true copy of a video I took on February 16, 2022.
28. While out walking with Councillor McKenney I observed a wooden outhouse on a flatbed truck. I took a video of what I saw. Attached hereto as **Exhibit “H”** is a true copy of a second video I took on February 16, 2022.
29. Throughout this time, including on February 17, 2022, I was alarmed by the numbers of fuel canisters I was seeing throughout the downtown core. On February 17, 2022, I took a photograph of someone hauling jerry cans of fuel up Kent Street. Attached hereto as **Exhibit “I”** is a true copy of the photograph I took on February 17, 2022.
30. Living in Ottawa with my spouse and two young children (now aged one and five) throughout this period was truly awful and we don’t even live in the heart of the protest zone. On February 17, 2022, several elementary schools, including the one my son attends, had to close due to safety concerns arising from the Freedom Convoy.
31. That evening, I learned from media reports that Freedom Convoy organizer, Tamara Lich had been arrested. The next day, on February 18, 2022, I learned that other organizers, including Pat King and Daniel Bulford were arrested.

32. In the coming days, I observed a gradual retreat from the City by the Freedom Convoy. On February 19, 2022, Kent Street had significantly fewer vehicles parked on the road.
33. By February 20, 2022, most of the vehicles had been cleared from Kent Street with the section between Cooper Street and Gloucester Street completely clear. Unfortunately, there was a huge amount of garbage left behind.

Conversations with Freedom Convoy Participants

34. Throughout the period of the occupation, I had several conversations with Freedom Convoy participants in some cases multiple times over multiple days. I was genuinely interested in better understanding what was motivating them and hoped that by speaking with them I could help them better understand the harm they were causing to the community.
35. I spoke regularly with a man named Jake who identified himself as a “block captain” on Kent Street between Gloucester Street and Nepean Street. Jake and I had many frank exchanges and I had no reason to disbelieve what he was telling me.
36. Jake told me that every morning, block captains would be given briefings by Freedom Convoy organizers at a downtown hotel. He said that at these briefings they would be provided with the plan for the day, cash, fuel and “talking points” to use in answer to questions from the media or residents.
37. Jake and I had several conversations about the class action lawsuit and the invocation of the *Emergencies Act*. Jake told me that he was not concerned about either because he had been assured that there was nothing unlawful about the occupation. He said that the Freedom Convoy was very well funded and had many lawyers advising them.
38. Jake told me that the *Emergencies Act* was unlawful so it would not be enforced.

He also said that he would not leave Ottawa unless Justin Trudeau resigned and the Liberal Party of Canada was no longer in power. He said that he believed the last election had been stolen and was reinforced in that view because he didn't know anyone who had voted for Justin Trudeau.

39. I make this affidavit in good faith and for no improper purpose.

AFFIRMED before me by remotely in)
accordance with O. Reg 431/20 by)
videoconference between Ottawa, ON)
(commissioner) and Ottawa, ON (affiant))
this 7th day of October, 2022.)



A Commissioner for taking affidavits, etc



KIAVASH NAJAFI

This is **Exhibit “A”** referred to
in the Affidavit of **KIAVASH NAJAFI**,
affirmed before me this 7th day of October, 2022.

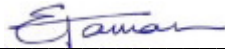
A handwritten signature in blue ink, appearing to read 'E. J. Aman', written over a horizontal line.

A Commissioner, etc.

Please see the video file “**Najafi Exhibit A**”

Production Number:

This is **Exhibit “B”** referred to
in the Affidavit of **KIAVASH NAJAFI**,
affirmed before me this 7th day of October, 2022

A handwritten signature in blue ink, appearing to read 'E. J. ...', is written above a horizontal line.

A Commissioner, etc.

Please see the video file “**Najafi Exhibit B**”

Production Number:

This is **Exhibit “C”** referred to
in the Affidavit of **KIAVASH NAJAFI**,
affirmed before me this 7th day of October, 2022.

A handwritten signature in blue ink, appearing to read 'Ejama', is written above a horizontal line.

A Commissioner, etc.

Please see the video file “**Najafi Exhibit C**”

Production Number:

This is **Exhibit “D”** referred to
in the Affidavit of **KIAVASH NAJAFI**,
affirmed before me this 7th day of October, 2022.

A handwritten signature in blue ink, appearing to read 'E. J. Aman', is written above a horizontal line.

A Commissioner, etc.

Please see the video file “**Najafi Exhibit D**”

Production Number:

This is **Exhibit “E”** referred to
in the Affidavit of **KIAVASH NAJAFI**,
affirmed before me this 7th day of October, 2022.

A handwritten signature in blue ink, appearing to read 'E. J. J. J.', is written above a horizontal line.

A Commissioner, etc.



This is **Exhibit “F”** referred to
in the Affidavit of **KIAVASH NAJAFI**,
affirmed before me this 7th day of October, 2022.

A handwritten signature in blue ink, appearing to read 'Etaman', is written above a horizontal line.

A Commissioner, etc.

RELEASE AGREEMENT - FREEDOM CONVOY CLASS ACTION

WHEREAS Zexi Li is the representative plaintiff ("Li") in a proposed class action commenced in the Ontario Superior Court of Justice (**Court File Number CV-22-00088514-00CP**) against the participants of the "Freedom Convoy 2022" protest in Ottawa, Ontario (the "John Doe" defendants), who are using air horns and train horns on their vehicles in a concerted manner as a protest tactic, which is alleged to be causing significant harm to residents who live in the vicinity (the "Class");

AND WHEREAS the John Doe defendants may face significant financial damages in the proposed class action, which could be satisfied through the seizure of property;

AND WHEREAS Li views there to be great value to herself and the Class members if John Doe defendants leave Ottawa with their trucks and stop the horn tactic;

THEREFORE Li offers to settle the class action as against any individual trucker John Doe defendant and fully and finally release them from any and all damages or costs in the class action, if that person agrees to leave Ottawa, Ontario, **by 10:00am on Monday, February 7, 2022**, and to bring a motion to have the settlement confirmed by the Court pursuant to s. 27.1 of the *Class Proceedings Act, 1992*, SO 1992, c 6, at the same time as she brings a motion for certification of the action, and make it binding on behalf of herself and all other proposed Class members.

I, _____, (PRINT NAME) being a potential John Doe defendant, and driving a truck bearing licence plate # _____, hereby agree to leave Ottawa with the vehicle at the above time, and not to return to Ottawa for the duration of the Freedom Convoy protest, in exchange for Li agreeing to hereby release and forever discharge myself and the owner of the identified vehicle, and for her applying to have the settlement approved under the *Class Proceedings Act, 2022* when she brings a motion to have the class action certified.

Date: February 5, 2022


Zexi Li

Date: February _____, 2022

Signature above, print name below

NOTE: For settlement to be valid, John Doe must send a photo of this signed agreement by email to OttawaHornSettlement@gmail.com by 10:00am on February 7, 2022. If John Doe or their truck does not leave Ottawa or returns to Ottawa during the Freedom Convoy protest, the agreement will be void.

This is **Exhibit “G”** referred to
in the Affidavit of **KIAVASH NAJAFI**,
affirmed before me this 7th day of October, 2022.

A handwritten signature in blue ink, appearing to read 'E. J. ...', is written above a horizontal line.

A Commissioner, etc.

Please see the video file “**Najafi Exhibit G**”

Production Number:

This is **Exhibit “H”** referred to
in the Affidavit of **KIAVASH NAJAFI**,
affirmed before me this 7th day of October, 2022.

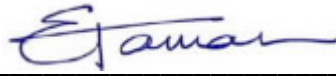
A handwritten signature in blue ink, appearing to read 'E. J. Aman', is written above a horizontal line.

A Commissioner, etc.

Please see the video file “**Najafi Exhibit H**”

Production Number:

This is **Exhibit “I”** referred to
in the Affidavit of **KIAVASH NAJAFI**,
affirmed before me this 7th day of October, 2022.

A handwritten signature in blue ink, appearing to read 'Etaman', is written above a horizontal line.

A Commissioner, etc.

